

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HOWARD EUGENE McCULLY, JR.,

Defendant.

Case No. 1:91-CR-112-05

Hon. Richard Alan Enslen

ORDER

Defendant Howard Eugene McCully, Jr. has moved for reconsideration of the Order of August 2, 2005, which rejected his court filings because the original lacked his signature and was not filed with a required court copy. Defendant's Motion for Reconsideration purports to demonstrate that these requirements of the Local Rule of Civil Procedure are a hardship upon prisoners. While this may be so, Defendant's motion filings demonstrate his ability to comply with those requirements.

Pursuant to Western District of Michigan Local Criminal Rule 47.3(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Defendant's Motion fails to meet this standard, as well as the standards for relief under Federal Rules of Civil Procedure 59 and 60.

THEREFORE, IT IS HEREBY ORDERED that Defendant Howard Eugene McCully, Jr.'s Motion for Reconsideration (Dkt. No. 215) is **DENIED**.

DATED in Kalamazoo, MI:
September 14, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE